



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-1187/P6
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DOA:.....Boggs, BB0258 - Create authority for UW-Madison

FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau
EDUCATION

HIGHER EDUCATION

Currently, the UW System consists of 13 four-year institutions, including the UW-Madison, 13 two-year colleges, and the UW-Extension. The UW System is governed by the Board of Regents, which consists of the state superintendent of public instruction, the president of the technical college system, 14 citizen members, and two students. The latter 16 members are appointed by the governor and confirmed by the senate. There is a shared, hierarchical system of governance for the UW System: the Board of Regents has primary responsibility, followed by the UW System president, the chancellors of the institutions, the faculty, and the academic staff and students. Three boards are created in or attached to the UW System: the Environmental Education Board, the Laboratory of Hygiene Board, and the Veterinary Diagnostic Laboratory.

This bill creates an authority entitled the University of Wisconsin-Madison, consisting of the current UW-Madison. The bill also creates a board of trustees to govern the authority. Twenty-one members, 11 of whom are appointed by the governor, and the chancellor, who serves as a nonvoting member, comprise the Board of Trustees. The chancellor is appointed by the Board of Trustees to serve at its pleasure and is the chief executive officer of the authority. The bill establishes a shared, hierarchical governance system for the authority, consisting of the Board of Trustees, the chancellor, the faculty, and the academic staff and students.

The bill transfers all assets and liabilities of the current UW-Madison, including real property, and all incumbent UW-Madison employees to the authority. Until July 1, 2012, the authority must adhere to the terms of any collective bargaining agreement covering the employees, and the authority is considered an agency under the state employment relations laws for all purposes. Beginning July 1, 2012, the authority must implement its own personnel system. Tenured faculty at the current UW-Madison retain their tenure at the authority. The authority remains a participating employer in the Wisconsin Retirement System and authority employees retain health insurance and other benefits enjoyed as state employees. All contracts entered into by the Board of Regents that are primarily related to the operation of the current UW-Madison, including the contracts with the Board of Directors of the UW Hospitals and Clinics Authority, are transferred to the authority's Board of Trustees.

The bill does not require the Board of Trustees to promulgate administrative rules except for rules relating to conduct on university property. The bill authorizes the Board of Trustees to condemn property.

Current law prohibits the Board of Regents of the UW System from increasing resident undergraduate tuition beyond an amount sufficient to fund certain specified costs and activities, including the amounts specified in the state budget act, the approved recommendations of the director of the Office of State Employment Relations for staff compensation and fringe benefits, and distance education. This bill does not impose these restrictions on the establishment of tuition by the Board of Trustees.

The bill appropriates general purpose revenue, program revenue, and moneys from segregated funds to the authority. The authority is not required to deposit moneys that it receives, such as tuition, gifts, grants, and federal revenue, into the state treasury. However, it must transfer daily to the state treasurer for deposit into the local government pooled-investment fund the collected cash balance from all sources except gifts, grants, and donations. The bill authorizes the Board of Trustees to transfer gifts, grants, and donations to the UW Foundation.

The bill exempts the Board of Trustees from DOA's authority over state agency use of gasohol, alternative fuels, and hybrid-electric vehicles. The bill also exempts authority employees from certain requirements regarding employment or retention by another state agency or authority.

The bill abolishes the Laboratory of Hygiene Board and the Veterinary Diagnostic Laboratory Board and transfers their functions to the authority. The bill directs the Board of Trustees, instead of the Board of Regents, to appoint the director of the laboratory of hygiene, the director of the psychiatric institute, the state geologist, and the state cartographer.

The bill makes other changes regarding the UW-System and the UW-Madison, including the following:

1. The bill transfers loan assistance programs for physicians and other health care providers, but not dentist and dental hygienist programs, from the Board of Regents to the Board of Trustees.

2. The bill adds one person associated with the authority to each of the following boards and councils: the teachers retirement board in DETF, the natural areas preservation council in DNR, the professional standards council for teachers in DPI, the Higher Educational Aids Board, and the Technical College System Board.

3. The bill replaces certain Board of Regents members of the following bodies with Board of Trustees members: the University of Wisconsin Hospitals and Clinics Board and the board of directors of the University of Wisconsin Hospitals and Clinics Authority.

The bill does the following regarding legal proceedings involving the authority:

1. Under current law, no one may sue a state officer, employee, or agent who is acting in his or her official capacity for damages unless the person serves the attorney general with a written notice of claim within 120 days of the event that allegedly caused the damages. The bill applies the prohibition to actions against an officer, director, employee, or agent of the Board of Trustees.

2. With few exceptions, current law limits damages in a case against a state officer, employee, or agent who is acting in his or her official capacity to \$250,000. The bill applies the limit to actions against an officer, director, employee, or agent of the Board of Trustees.

3. Under current law, generally, if a public officer or a state employee is sued in an official capacity or for actions undertaken within the scope of his or her employment, the state or the political subdivision that employs the officer or employee must provide legal counsel to the defendant officer or employee or cover legal costs for the officer or employee. If damages are assessed against the officer or employee, the state or political subdivision must pay the damages. Under the bill, an officer, director, employer, or agent of the Board of Trustees is treated as a state officer, director, employer, or agent for purposes of the foregoing requirements.

4. Under current law, DOJ represents the state, state agencies, and state employees in certain legal proceedings, reviews, and actions. Under the bill, DOJ represents the Board of Trustees as a department of state government and the officials, employees, and agents of the board as state officials, employees, and agents for the purpose of representation in civil and criminal proceedings, and upon request, for the purpose of appearing for and representing the board or its officials, employees, or agents at an administrative or civil court proceeding.

See also STATE GOVERNMENT — STATE BUILDING PROGRAM and OTHER STATE GOVERNMENT.

STATE GOVERNMENT

STATE BUILDING PROGRAM

Currently, with limited exceptions, each state agency, including the UW System, must submit for approval of the Building Commission any contract for the engineering, design, construction, reconstruction, remodeling, or expansion of a building, structure, or facility if the project cost exceeds \$150,000; if the project cost exceeds \$500,000, the project must be enumerated in the Authorized State Building Program, which is set forth by law. Currently, DOA manages all engineering, design, and construction work for state agencies, including the UW System, but DOA may delegate its management authority to an agency for a specific project. If

management authority for a project is delegated, the agency to which authority is delegated is subject to the same requirements that apply to DOA if DOA manages the project directly. With limited exceptions, DOA must provide public notice of proposed work and let contracts to the lowest responsible bidder. Plans and specifications for all work on UW projects are subject to approval of DOA. DOA may assess and collect from state agencies, including the UW System, a construction project management fee to cover its costs in managing each project. With limited exceptions, each engineering, design, or construction contract for a state building, structure, or facility is subject to approval of the secretary of administration and, if the contract involves an expenditure of more than \$60,000, the approval of the governor. DOA must grant preference to Wisconsin-based firms under certain conditions and must attempt to ensure that 5 percent of the total amount that the state expends on DOA-supervised projects in each fiscal year is paid to minority-owned businesses and that a portion of that amount is also paid to disabled veteran-owned businesses.

This bill deletes DOA's and the governor's responsibility for management and supervision of, and approval of plans, specifications, and contracts for, any building, structure, or facility to be constructed, reconstructed, remodeled, or expanded for the authority if the project is funded entirely from sources other than state general purpose revenue or general fund supported bonding. The bill also deletes the requirement for approval of the Building Commission on any such project if the cost of the project does not exceed \$500,000. Under the bill, the authority is not required to adhere to any of the requirements that currently apply to DOA with respect to any such project and is not subject to assessment by DOA for its construction management services.

Currently, the UW System may not accept a gift or grant of real property valued in excess of \$30,000 or any gift of a building, structure, or facility that is constructed for the benefit of the UW System without approval of the Building Commission. Under the bill, this restriction does not apply to the authority. Currently, no state agency, including the UW System, may permit a facility that would be privately owned or operated to be constructed on state-owned land without approval of the Building Commission. Under the bill, this restriction does not apply to the authority.

STATE FINANCE

Currently, the secretary of administration may reallocate moneys from state funds or accounts to other state funds and accounts to cover deficiencies, subject to certain limitations, and may reallocate an amount equal to not more than 3 percent of current general purpose revenue appropriations to the general fund for not more than 30 days. This bill increases that amount to not more than 6 percent of current general purpose revenue appropriations.

OTHER STATE GOVERNMENT

Currently, except as otherwise provided by law, the records of a state or local governmental officer or entity are subject to the right of public inspection and copying unless the custodian demonstrates that the public interest in withholding access to the information in a record outweighs the strong public interest in providing access to that information. This bill permits any public institution of

higher education to withhold from access any information that is produced or collected by or for the faculty or staff of the institution in the conduct of, or as a result of, study or research on a commercial, scientific, or technical subject until that information is publicly disseminated or patented.

Under current law, the chancellor of the UW-Madison and the vice chancellor who serves as deputy are subject to the standards of conduct under the code of ethics for state public officials as well as the requirement to file annual statements of economic interests. Other employees of the UW-Madison are subject to a code of ethics established by the Board of Regents of the UW System. This bill continues coverage of the chancellor and vice chancellor under the code of conduct but not under the filing requirement and directs the Board of Trustees of the authority to establish a code of ethics for other employees of the authority.

Currently, DOA manages the state's risk management program, including worker's compensation and liability insurance, and annually assesses each state agency, including the UW System, for its risk management costs. This bill permits the authority with 6 months' notice, to opt in or out of the state's risk management program for any fiscal year.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 13.106 (title) of the statutes is amended to read:

2 **13.106 (title) ~~Medical College of Wisconsin and UW-Madison Medical~~**
3 **~~School~~ school reports.**

4 **SECTION 2.** 13.106 (1) (intro.) of the statutes is amended to read:

5 13.106 (1) (intro.) The Medical College of Wisconsin and the University of
6 ~~Wisconsin-Madison Medical~~ Wisconsin School of Medicine and Public Health shall
7 biennially report to the governor and the joint committee on finance on the:

8 **SECTION 3.** 13.106 (2) of the statutes is amended to read:

9 13.106 (2) The Medical College of Wisconsin and the University of
10 ~~Wisconsin-Madison Medical~~ Wisconsin School of Medicine and Public Health shall
11 submit a biennial report containing financial summaries for the college and school
12 to the governor and the joint committee on finance, in a consistent format and

1 methodology to be developed in consultation with the medical education review
2 committee under s. 39.16.

3 **SECTION 4.** 13.106 (3) (intro.) of the statutes is amended to read:

4 13.106 (3) (intro.) By October 15 of each even-numbered year, the Medical
5 College of Wisconsin and the University of ~~Wisconsin-Madison Medical~~ Wisconsin
6 School of Medicine and Public Health shall submit a report to the governor and to
7 the chief clerk of each house of the legislature for distribution to the legislature under
8 s. 13.172 (2) that provides information on all of the following:

9 **SECTION 5.** 13.172 (1) of the statutes, as affected by 2011 Wisconsin Act 7, is
10 amended to read:

11 13.172 (1) In this section, "agency" means an office, department, agency,
12 institution of higher education, association, society, or other body in state
13 government created or authorized to be created by the constitution or any law, that
14 is entitled to expend moneys appropriated by law, including the legislature and the
15 courts, and any authority created in subch. II of ch. 114 or subch. III of ch. 149 or in
16 ch. 37, 52, 231, 233, 234, 238, or 279.

****NOTE: Section 13.172 specifies the manner for state agencies to provide reports
to the legislature that are required by other statutes. The above applies s. 13.172 to the
UW.

****NOTE: It's unnecessary to include the UW in s. 13.40 (3m), because the provision
is obsolete.

17 **SECTION 6.** 13.48 (1) of the statutes is amended to read:

18 13.48 (1) POLICY. The legislature finds and determines that it is necessary to
19 improve the adequacy of the public building facilities that are required by the various
20 state agencies and the University of Wisconsin-Madison including the educational
21 institutions, for the proper performance of their duties and functions, and that it is
22 in the interest of economy, efficiency and the public welfare that such improvement

1 be accomplished by means of a long-range public building program, with funds to be
2 provided by successive legislatures. The long-range program shall include the
3 necessary lands, new buildings, and all facilities and equipment required and also
4 the remodeling, reconstruction, maintenance and reequipping of existing buildings
5 and facilities, as determined by the building commission.

6 **SECTION 7.** 13.48 (1m) (b) of the statutes is amended to read:

7 13.48 (1m) (b) The long-range public building program shall recognize the
8 importance of historic properties and shall include a program of preservation and
9 restoration of those historic properties under the control of the state and the
10 University of Wisconsin-Madison as provided in s. 44.41, including criteria for
11 determining which historic properties should be preserved and restored.

12 **SECTION 8.** 13.48 (1m) (c) of the statutes is amended to read:

13 13.48 (1m) (c) The long-range public building program shall require the
14 biennial review of each historic property under the control of the state and the
15 University of Wisconsin-Madison to determine the current uses of the property and
16 compliance by state agency compliance agencies and the University of
17 Wisconsin-Madison with the requirements of the long-range program.

18 **SECTION 9.** 13.48 (1m) (d) of the statutes is amended to read:

19 13.48 (1m) (d) The building commission shall allocate, from that portion of the
20 state building program funding which is available to all state agencies and the
21 University of Wisconsin-Madison, an amount of funds deemed necessary by the
22 building commission for the preservation, restoration and maintenance of historic
23 properties under the control of the state and the University of Wisconsin-Madison.

24 **SECTION 10.** 13.48 (2) (b) 2. of the statutes is amended to read:

1 13.48 (2) (b) 2. In the construction of all new buildings or additions to existing
2 buildings used for housing state offices and constructed for general state purposes
3 and not specially for the use of any particular state agency or the University of
4 Wisconsin-Madison, the building commission shall function with respect to such
5 construction in the same manner as other state agencies function with respect to
6 buildings constructed for such agencies. The building commission shall fix the rental
7 for all space in such buildings, and, notwithstanding any other statute, may remove
8 to any building any department housed in the state capitol. After the completion of
9 such buildings, they shall be in the charge of the department of administration as
10 provided by s. 16.84.

11 **SECTION 11.** 13.48 (2) (d) of the statutes is repealed.

12 **SECTION 12.** 13.48 (2) (e) 2. of the statutes is amended to read:

13 13.48 (2) (e) 2. It is the intent of the legislature that it be given a complete
14 picture of the results of its past decisions regarding the state's state building program
15 which will serve as background for making further decisions.

16 **SECTION 13.** 13.48 (2) (g) of the statutes is amended to read:

17 13.48 (2) (g) The building commission shall review assessments on property of
18 the state and the University of Wisconsin-Madison under s. 66.0703 (6).

19 **SECTION 14.** 13.48 (3) of the statutes is amended to read:

20 13.48 (3) STATE BUILDING TRUST FUND. In the interest of the continuity of the
21 program, the moneys appropriated to the state building trust fund under s. 20.867
22 (2) (f) shall be retained as a nonlapsing building depreciation reserve. Such moneys
23 shall be deposited into the state building trust fund. At such times as the building
24 commission directs, or in emergency situations under s. 16.855 (16) (b), the governor
25 shall authorize releases from this fund to become available for projects of state

1 agencies or the University of Wisconsin-Madison and shall direct the department of
2 administration to allocate from this fund such amounts as are approved for these
3 projects. In issuing such directions, the building commission shall consider the cash
4 balance in the state building trust fund, the necessity and urgency of the proposed
5 improvement, employment conditions and availability of materials in the locality in
6 which the improvement is to be made. The building commission may authorize any
7 project costing \$500,000 or less for any state agency or the University of
8 Wisconsin-Madison in accordance with priorities to be established by the building
9 commission and may adjust the priorities by deleting, substituting or adding new
10 projects as needed to reflect changing program needs and unforeseen circumstances.
11 The building commission may enter into contracts for the construction of buildings
12 for any state agency or the University of Wisconsin-Madison, except a project
13 authorized under sub. (10) (c), and shall be responsible for accounting for all funds
14 released to projects. The building commission may designate the department of
15 administration, the University of Wisconsin-Madison, or the agency for which the
16 project is constructed to act as its representative in such accounting.

17 **SECTION 15.** 13.48 (4) of the statutes is amended to read:

18 13.48 (4) STATE AGENCIES AND THE UNIVERSITY OF WISCONSIN-MADISON TO REPORT
19 PROPOSED PROJECTS. ~~Each~~ Whenever any state agency ~~contemplating or the~~
20 University of Wisconsin-Madison contemplates a project under ~~this~~ the state
21 building program, it shall report its proposed projects the project to the building
22 commission. The report shall be made on such date and in such manner as the
23 building commission prescribes. This subsection does not apply to projects identified
24 in sub. (10) (c).

25 **SECTION 16.** 13.48 (6) of the statutes is amended to read:

1 13.48 (6) REVIEW OF PROJECTS. All reports submitted as provided by sub. (4)
2 shall be reviewed by the building commission, which shall make its report as soon
3 after November 20 as is possible. Such report shall include specific
4 recommendations and establish priorities for the next 3 biennia from among all
5 projects submitted which the building commission deems essential and shall
6 recommend additional appropriations if necessary for the execution thereof. The
7 building commission shall include in the report any projects proposed by the state
8 fair park board involving a cost of not more than \$250,000, together with the method
9 of financing proposed for those projects by the board, without recommendation. The
10 building commission shall include in its report an appraisal and recommendation of
11 available and alternative methods of financing buildings for the use of state agencies
12 and the University of Wisconsin-Madison and shall file copies of its report with the
13 governor-elect.

14 **SECTION 17.** 13.48 (10) (c) of the statutes is created to read:

15 13.48 (10) (c) Paragraph (a) does not apply to any contract for a building project
16 involving a cost of not more than \$500,000 to be constructed for the University of
17 Wisconsin-Madison that is funded entirely from sources other than general purpose
18 revenue or general fund supported borrowing.

19 **SECTION 18.** 13.48 (12) (b) 6. of the statutes is created to read:

20 13.48 (12) (b) 6. A facility constructed by or for the University of
21 Wisconsin-Madison.

22 **SECTION 19.** 13.48 (13) (a) of the statutes, as affected by 2011 Wisconsin Act 7,
23 is amended to read:

24 13.48 (13) (a) Except as provided in par. (b) or (c), every building, structure or
25 facility that is constructed for the benefit of or use of the state, any state agency,

1 board, commission or department, the University of Wisconsin-Madison, the
2 University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational
3 System Authority, the Wisconsin Quality Home Care Authority, the Wisconsin
4 Economic Development Corporation, or any local professional baseball park district
5 created under subch. III of ch. 229 if the construction is undertaken by the
6 department of administration on behalf of the district, shall be in compliance with
7 all applicable state laws, rules, codes and regulations but the construction is not
8 subject to the ordinances or regulations of the municipality in which the construction
9 takes place except zoning, including without limitation because of enumeration
10 ordinances or regulations relating to materials used, permits, supervision of
11 construction or installation, payment of permit fees, or other restrictions.

****NOTE: Section 13.48 (14), stats., governing sale or lease of state lands and
property, is not amended because by its terms it applies only to state agencies,
state-owned buildings and structures, and state-owned land.

12 **SECTION 20.** 13.48 (15) of the statutes is amended to read:

13 13.48 (15) ACQUISITION OF LEASEHOLD INTERESTS. Subject to the requirements
14 of s. 20.924 (1) (i), the building commission shall have the authority to acquire
15 leasehold interests in land and buildings where such authority is not otherwise
16 provided to an agency or the University of Wisconsin-Madison by law.

17 **SECTION 21.** 13.48 (19) of the statutes is amended to read:

18 13.48 (19) ALTERNATIVES TO STATE CONSTRUCTION. Whenever the building
19 commission determines that the use of innovative types of design and construction
20 processes will make better use of the resources and technology available in the
21 building industry, the building commission may waive any or all of s. 16.855 if such
22 action is in the best interest of the state or the University of Wisconsin-Madison and
23 if the waiver is accomplished through formal action of the building commission. The

1 building commission may authorize the lease, lease purchase or acquisition of ~~such~~
2 state facilities constructed in the manner authorized by the building commission.
3 Subject to the requirements of s. 20.924 (1) (i), the building commission may also
4 authorize the lease, lease purchase or acquisition of existing facilities in lieu of ~~state~~
5 construction of any project enumerated in the authorized state building program.

6 **SECTION 22.** 13.48 (25) of the statutes is amended to read:

7 13.48 (25) WISCONSIN INITIATIVE FOR STATE TECHNOLOGY AND APPLIED RESEARCH.
8 There is created a program, to be known as the Wisconsin initiative for state
9 technology and applied research, for the purpose of providing financial support to
10 maintain the ability of the University of Wisconsin–Madison and the University of
11 Wisconsin System and other state agencies, as defined in s. 20.001 (1), to attract
12 federal and private research funds which enable the state to engage in
13 high-technology endeavors, which expand the state's economy and which influence
14 the ability of the state and nation to compete in an increasingly complex world. To
15 carry out the program, the building commission may authorize new construction
16 projects and projects to repair and renovate existing research facilities and
17 supporting systems. Projects shall be financed from the appropriation under s.
18 20.866 (2) (z) or as otherwise provided in the authorized state building program.

19 **SECTION 23.** 13.48 (25t) of the statutes is amended to read:

20 13.48 (25t) WISBUILD INITIATIVE. There is created a program, to be known as the
21 “Wisbuild initiative”, for the purpose of providing financial support for the
22 maintenance, repair and renovation of ~~state-owned~~ buildings owned by the state
23 and the University of Wisconsin–Madison. Funding may be provided under the
24 initiative for high priority, comprehensive building renovation projects, as well as for
25 the maintenance and repair of the exterior components of buildings and, without

1 limitation because of enumeration, systems such as mechanical, electrical, plumbing
2 and other building systems. Funding may also be provided under the initiative for
3 projects to remove barriers that reduce access to and use of state facilities and
4 University of Wisconsin-Madison facilities by persons with disabilities. The
5 building commission shall allocate available funding for the initiative. Projects
6 funded as a part of the initiative shall be financed from the appropriation under s.
7 20.866 (2) (z) or as otherwise provided in the authorized state building program.

8 **SECTION 24.** 13.48 (28) (title) of the statutes is amended to read:

9 13.48 (28) (title) STATE AND UNIVERSITY OF WISCONSIN-MADISON PROPERTY LEASED
10 TO THE UNIVERSITY OF WISCONSIN HOSPITALS AND CLINICS AUTHORITY.

11 **SECTION 25.** 13.48 (29) of the statutes is amended to read:

12 13.48 (29) SMALL PROJECTS. Except as otherwise required under s. 16.855
13 (10m), the building commission may prescribe simplified policies and procedures to
14 be used in lieu of the procedures provided in s. 16.855 for any project that does not
15 require prior approval of the building commission under sub. (10) (a), except projects
16 specified in sub. (10) (c).

17 **SECTION 26.** 13.488 (1) (intro.) of the statutes is amended to read:

18 13.488 (1) (intro.) For the purpose of providing housing for state departments
19 and agencies and the University of Wisconsin-Madison, including housing for state
20 offices anywhere in the state and the completion of the state office building, and all
21 buildings, improvements, facilities or equipment or other capital items required in
22 connection therewith, for the acquisition of lands for future office building
23 development, and to refinance indebtedness previously or hereafter created by a
24 nonprofit-sharing corporation for the purpose of providing a state office building or
25 buildings or additions or improvements thereto which are located on land owned by

1 the state or by the nonprofit-sharing corporation, or for any one or more of said
2 purposes, the building commission shall have the following powers and duties:

3 **SECTION 27.** 13.488 (5) of the statutes is amended to read:

4 13.488 (5) Unless the context requires otherwise, the terms "building", "new
5 buildings" and "existing buildings", as used in this section, include all buildings,
6 structures, improvements, facilities, equipment or other capital items as the
7 building commission determines to be necessary or desirable for the purpose of
8 providing housing for state departments ~~and, agencies, and the University of~~
9 Wisconsin-Madison.

****NOTE: Section 13.488, stats. is not amended because the section, except sub. (1)
(m) relating to arbitrage payments, pertains to dummy building corporations which have
not been used since 1969. No amendment of sub. (1) (m) is required.

10 **SECTION 28.** 13.62 (2) of the statutes, as affected by 2011 Wisconsin Act 7, is
11 amended to read:

12 13.62 (2) "Agency" means any board, commission, department, office, society,
13 institution of higher education, council, or committee in the state government, or any
14 authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. 37, 52, 231,
15 232, 233, 234, 237, 238, or 279, except that the term does not include a council or
16 committee of the legislature.

****NOTE: This SECTION provides that the UW is subject to the same requirements
that apply to agencies under subch. III of ch. 13, which regulates lobbying.

17 **SECTION 29.** 13.94 (1) (intro.) of the statutes is amended to read:

18 13.94 (1) DUTIES OF THE BUREAU. (intro.) The legislative audit bureau shall be
19 responsible for conducting postaudits of the accounts and other financial records of
20 departments to assure that all financial transactions have been made in a legal and
21 proper manner. In connection with such postaudits, the legislative audit bureau
22 shall review the performance and program accomplishments of the department

1 during the fiscal period for which the audit is being conducted to determine whether
2 the department carried out the policy of the legislature and the governor during the
3 period for which the appropriations were made. In performing postaudits under this
4 subsection, the legislative audit bureau shall not examine issues related to academic
5 freedom within the University of Wisconsin-Madison or the University of Wisconsin
6 System. A postaudit shall not examine into or comment upon the content of the
7 various academic programs, including degree requirements, majors, curriculum or
8 courses within the University of Wisconsin-Madison or the University of Wisconsin
9 System, nor shall any such postaudit examine into the manner in which individual
10 faculty members or groups of faculty members conduct their instructional, research
11 or public service activities. This subsection does not preclude the bureau from
12 reviewing the procedures by which decisions are made and priorities set in the
13 University of Wisconsin-Madison or the University of Wisconsin System, or the
14 manner in which such decisions and priorities are implemented within the
15 University of Wisconsin-Madison or the University of Wisconsin System, insofar as
16 such review is not inconsistent with s. 36.09 or 37.03. The legislative audit bureau
17 shall audit the fiscal concerns of the state as required by law. To this end, it shall:

18 **SECTION 30.** 13.94 (4) (a) 1. of the statutes, as affected by 2011 Wisconsin Act
19 7, is amended to read:

20 13.94 (4) (a) 1. Every state department, board, examining board, affiliated
21 credentialing board, commission, independent agency, council or office in the
22 executive branch of state government; all bodies created by the legislature in the
23 legislative or judicial branch of state government; any public body corporate and
24 politic created by the legislature including specifically the University of
25 Wisconsin-Madison, the Wisconsin Quality Home Care Authority, the Fox River

1 Navigational System Authority, the Lower Fox River Remediation Authority, and
2 the Wisconsin Aerospace Authority, the Wisconsin Economic Development
3 Corporation, a professional baseball park district, a local professional football
4 stadium district, a local cultural arts district and a long-term care district under s.
5 46.2895; every Wisconsin works agency under subch. III of ch. 49; every provider of
6 medical assistance under subch. IV of ch. 49; technical college district boards; every
7 county department under s. 51.42 or 51.437; every nonprofit corporation or
8 cooperative or unincorporated cooperative association to which moneys are
9 specifically appropriated by state law; and every corporation, institution, association
10 or other organization which receives more than 50% of its annual budget from
11 appropriations made by state law, including subgrantee or subcontractor recipients
12 of such funds.

13 **SECTION 31.** 13.95 (intro.) of the statutes, as affected by 2011 Wisconsin Act 7,
14 is amended to read:

15 **13.95 Legislative fiscal bureau.** (intro.) There is created a bureau to be
16 known as the "Legislative Fiscal Bureau" headed by a director. The fiscal bureau
17 shall be strictly nonpartisan and shall at all times observe the confidential nature
18 of the research requests received by it; however, with the prior approval of the
19 requester in each instance, the bureau may duplicate the results of its research for
20 distribution. Subject to s. 230.35 (4) (a) and (f), the director or the director's
21 designated employees shall at all times, with or without notice, have access to all
22 state agencies, the University of Wisconsin Hospitals and Clinics Authority, the
23 University of Wisconsin-Madison, the Wisconsin Aerospace Authority, the Health
24 Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation
25 Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic

1 Development Corporation, and the Fox River Navigational System Authority, and to
2 any books, records, or other documents maintained by such agencies or authorities
3 and relating to their expenditures, revenues, operations, and structure.

4 **SECTION 32.** 14.015 (1) of the statutes is amended to read:

5 14.015 (1) DISABILITY BOARD. There is created a disability board which is
6 attached to the office of the governor under s. 15.03. Where not in conflict with s.
7 17.025, s. 15.07 applies to the disability board. The disability board shall consist of
8 the governor, the chief justice of the supreme court, the speaker of the assembly, the
9 president of the senate, the minority leader of the assembly, the minority leader of
10 the senate, and the dean of the University of Wisconsin ~~Medical School of Medicine~~
11 and Public Health. In case of the absence or disability of any of the members to serve
12 for a particular meeting of the board, the lieutenant governor, a justice of the
13 supreme court designated by the chief justice, the deputy speaker of the assembly,
14 the majority leader of the senate, the assistant minority leader of the assembly, the
15 assistant minority leader of the senate, or an associate dean of the University of
16 Wisconsin ~~Medical School of Medicine and Public Health~~ designated by the dean
17 shall serve, respectively, in place of the officers.

18 **SECTION 33.** 14.76 (1m) of the statutes is created to read:

19 14.76 (1m) In this section, "state agency" includes the University of
20 Wisconsin-Madison.

21 **SECTION 34.** 15.105 (25m) (bm) of the statutes is created to read:

22 15.105 (25m) (bm) The chairperson of the board of trustees of the University
23 of Wisconsin-Madison or his or her designee.

****NOTE: This is reconciled s. 15.105 (25m) (bm). This SECTION has been affected
by drafts with the following LRB numbers: LRB-1187/P4 and LRB-0698/3.

1 **SECTION 35.** 15.165 (3) (a) (intro.) of the statutes is amended to read:

2 15.165 (3) (a) (intro.) There is created in the department of employee trust
3 funds a teachers retirement board. The board shall consist of ~~13~~ 14 members, to
4 serve for staggered 5-year terms. The board shall consist of the following members:

5 **SECTION 36.** 15.165 (3) (a) 8. of the statutes is created to read:

6 15.165 (3) (a) 8. One University of Wisconsin-Madison representative who is
7 a teacher participant in the Wisconsin retirement system.

8 **SECTION 37.** 15.347 (4) (f) of the statutes is created to read:

9 15.347 (4) (f) One from the University of Wisconsin-Madison appointed by the
10 board of trustees of the University of Wisconsin-Madison.

11 **SECTION 38.** 15.377 (8) (c) 8m. of the statutes is created to read:

12 15.377 (8) (c) 8m. One faculty member of a department or the School of
13 Education in the University of Wisconsin-Madison recommended by the chancellor
14 of the University of Wisconsin-Madison.

15 **SECTION 39.** 15.377 (8) (c) 10. of the statutes is amended to read:

16 15.377 (8) (c) 10. One additional faculty member, appointed from the list of
17 persons recommended under subd. 8., 8m., or 9.

18 **SECTION 40.** 15.67 (1) (a) 1m. of the statutes is created to read:

19 15.67 (1) (a) 1m. One member of the board of trustees of the University of
20 Wisconsin-Madison.

21 **SECTION 41.** 15.797 (1) (b) 8. of the statutes is amended to read:

22 15.797 (1) (b) 8. One member who is a University of Wisconsin System or
23 University of Wisconsin-Madison faculty member with expertise regarding the
24 health impacts of wind energy systems.

25 **SECTION 42.** 15.91 of the statutes is amended to read:

15.91 Board of regents of the University of Wisconsin System; creation.

There is created a board of regents of the University of Wisconsin System consisting of the state superintendent of public instruction, the president, or by his or her designation another member, of the technical college system board and 14 citizen members appointed for staggered 7-year terms, and 2 students enrolled at least half-time and in good academic standing at institutions within the University of Wisconsin System who are residents of this state, for 2-year terms. The student members may be selected from recommendations made by elected representatives of student governments at institutions within the University of Wisconsin System. The governor shall appoint one student member who is at least 18 years old and one undergraduate student member who is at least 24 years old and represents the views of nontraditional students, such as those who are employed or are parents. The governor may not appoint a student member from the same institution in any 2 consecutive terms; and the 2 student members who are appointed may not be from the same institution; ~~and a student from the University of Wisconsin-Madison and a student from the University of Wisconsin-Milwaukee may not serve on the Board of Regents at the same time.~~ If a student member loses the status upon which the appointment was based, he or she shall cease to be a member of the board of regents.

SECTION 43. 15.915 (1) of the statutes is repealed.

SECTION 44. 15.915 (2) of the statutes is repealed.

SECTION 45. 15.917 (1) (a) of the statutes is amended to read:

15.917 (1) (a) A representative of the University of Wisconsin Medical School of Medicine and Public Health.

SECTION 46. 15.94 (intro.) of the statutes is amended to read:

1 **15.94 Technical college system board; creation.** (intro.) There is created
2 a technical college system board consisting of ~~13~~ 14 members. No person may serve
3 as president of the board for more than 2 successive annual terms. The board shall
4 be composed of:

5 **SECTION 47.** 15.94 (2v) of the statutes is created to read:

6 15.94 (2v) The chairperson, or by his or her designation another member, of the
7 board of trustees of the University of Wisconsin-Madison.

8 **SECTION 48.** 15.96 (1) (b) of the statutes is amended to read:

9 15.96 (1) (b) Three members of the board of ~~regents~~ trustees of the University
10 of Wisconsin-Madison appointed by the ~~president~~ chairperson of the board of ~~regents~~
11 trustees.

12 **SECTION 49.** 15.96 (1) (d) of the statutes is amended to read:

13 15.96 (1) (d) The dean of the University of ~~Wisconsin-Madison Medical~~
14 Wisconsin School of Medicine and Public Health.

15 **SECTION 50.** 15.96 (1) (e) of the statutes is amended to read:

16 15.96 (1) (e) A chairperson of a department at the University of
17 ~~Wisconsin-Madison Medical~~ Wisconsin School of Medicine and Public Health,
18 appointed by the chancellor of the University of Wisconsin-Madison.

19 **SECTION 51.** 15.96 (1) (f) of the statutes is amended to read:

20 15.96 (1) (f) A faculty member of a health professions school of the University
21 of Wisconsin-Madison ~~health professions school~~, other than the University of
22 ~~Wisconsin-Madison Medical~~ Wisconsin School of Medicine and Public Health,
23 appointed by the chancellor of the University of Wisconsin-Madison.

24 **SECTION 52.** 16.002 (2) of the statutes, as affected by 2011 Wisconsin Act 7, is
25 amended to read:

1 16.002 (2) "Departments" means constitutional offices, departments, and
2 independent agencies and includes all societies, associations, and other agencies of
3 state government for which appropriations are made by law, but not including
4 authorities created in subch. II of ch. 114 or subch. III of ch. 149 or in ~~chs.~~ ch. 37, 52,
5 231, 232, 233, 234, 235, 237, 238, or 279.

****NOTE: The above exempts the UW from the following:

Section 16.52 (11), which allows the DOA secretary to "allocate and charge, and ... prescribe the procedures for departments to allocate and charge, the central services costs of [DOA] or of individual departments to selected federal grants or contracts."

Section 16.53 (1) (ca), which requires all departments to "diligently review and supervise the travel expenditures of their employees" and allows them to promulgate rules governing such expenditures that are consistent with uniform guidelines established under s. 20.916 (8).

Section 16.54 (10), which requires all departments, "before acceptance of any federal grant on behalf of the state which will or may involve the provision of auditing services by the legislative audit bureau," to provide written notification to the state auditor.

Section 16.61 (3) (d) 1., which requires the public records board to establish a system for protecting essential public records in the event of a disaster and consult with state departments in determining what public records are essential for such system.

Section 16.61 (3) (d) 4., which requires the public records board to furnish state departments with copies of its final plan for preserving essential public records.

Section 16.85 (6), which requires DOA to "approve the appointment of a principal engineer or architect for departments, boards and commissions and when such continuous service is needed."

6 **SECTION 53.** 16.004 (4) of the statutes, as affected by 2011 Wisconsin Act 7, is
7 amended to read:

8 16.004 (4) FREEDOM OF ACCESS. The secretary and such employees of the
9 department as the secretary designates may enter into the offices of state agencies
10 and authorities created under subch. II of ch. 114 or subch. III of ch. 149 and under
11 chs. 37, 52, 231, 233, 234, 237, 238, and 279, and may examine their books and
12 accounts and any other matter that in the secretary's judgment should be examined
13 and may interrogate the agency's employees publicly or privately relative thereto.

1 **SECTION 54.** 16.004 (5) of the statutes, as affected by 2011 Wisconsin Act 7, is
2 amended to read:

3 16.004 (5) AGENCIES AND EMPLOYEES TO COOPERATE. All state agencies and
4 authorities created under subch. II of ch. 114 or subch. III of ch. 149 and under chs.
5 37, 52, 231, 233, 234, 237, 238, and 279, and their officers and employees, shall
6 cooperate with the secretary and shall comply with every request of the secretary
7 relating to his or her functions.

8 **SECTION 55.** 16.004 (8) (am) of the statutes is amended to read:

9 16.004 (8) (am) The secretary shall maintain a system of rental policies for
10 state-owned housing administered by all agencies other than the University of
11 Wisconsin-Madison, and shall periodically review the system for possible changes.
12 Whenever the secretary proposes to change rental policies other than rental rates,
13 the secretary shall submit a report relating to the system to the joint committee on
14 finance. The report shall include any changes in rental policies recommended by the
15 secretary.

16 **SECTION 56.** 16.004 (12) (a) of the statutes, as affected by 2011 Wisconsin Act
17 7, is amended to read:

18 16.004 (12) (a) In this subsection, "state agency" means an association,
19 authority, board, department, commission, independent agency, institution, office,
20 society, or other body in state government created or authorized to be created by the
21 constitution or any law, including the legislature, the office of the governor, and the
22 courts, but excluding the University of Wisconsin Hospitals and Clinics Authority,
23 the University of Wisconsin-Madison, the Wisconsin Aerospace Authority, the
24 Health Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation

1 Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic
2 Development Corporation, and the Fox River Navigational System Authority.

3 **SECTION 57.** 16.04 (1) (intro.) of the statutes is amended to read:

4 16.04 (1) (intro.) The department shall ensure optimum efficiency and economy
5 in the fleet management and maintenance activities of all agencies, as defined in s.
6 16.52 (7), other than the University of Wisconsin- Madison. The department may:

7 **SECTION 58.** 16.045 (1) (a) of the statutes, as affected by 2011 Wisconsin Act 7,
8 is amended to read:

9 16.045 (1) (a) "Agency" means an office, department, independent agency,
10 institution of higher education, association, society, or other body in state
11 government created or authorized to be created by the constitution or any law, that
12 is entitled to expend moneys appropriated by law, including the legislature and the
13 courts, but not including an authority created in subch. II of ch. 114 or subch. III of
14 ch. 149 or in ch. 37, 52, 231, 232, 233, 234, 235, 237, 238, or 279.

****NOTE: The above exempts the UW from DOA's authority over agency use of
gasohol, alternative fuels, and hybrid-electric vehicles.

15 **SECTION 59.** 16.41 (1) of the statutes is amended to read:

16 16.41 (1) All agencies shall keep their accounts and other financial records as
17 prescribed by the secretary under s. 16.40 (5), except as otherwise specifically
18 directed by law. All agencies and authorities and the University of
19 Wisconsin-Madison shall furnish to the secretary all information relating to their
20 financial transactions which the secretary requests pursuant to this subchapter for
21 such periods as the secretary requests, and shall render such assistance in
22 connection with the preparation of the state budget report and the budget bill and
23 in auditing accounts, as the secretary or the governor may require.

1 **SECTION 60.** 16.417 (1) (a) of the statutes, as affected by 2011 Wisconsin Act 7,
2 section 19, is amended to read:

3 16.417 (1) (a) "Agency" means an office, department, independent agency,
4 institution of higher education, association, society, or other body in state
5 government created or authorized to be created by the constitution or any law, that
6 is entitled to expend moneys appropriated by law, including the legislature and the
7 courts, but not including an authority or the body created under subch. III of ch. 149
8 or under ch. 37 or 238.

 ****NOTE: The above exempts the UW from the dual retention/employment requirements of s. 16.417 that apply to agencies and authorities. Note that s. 16.417 (1) (b) defines "authority" to include authorities created under specified statutes. By not including the UW in s. 16.417 (1) (b), and by excluding the UW from the definition of "agency" in the above, this draft exempts the UW from s. 16.417.

9 **SECTION 61.** 16.417 (1) (a) of the statutes, as affected by 2011 Wisconsin Act 7,
10 section 20, and 2011 Wisconsin Act (this act), is repealed and recreated to read:

11 16.417 (1) (a) "Agency" means an office, department, independent agency,
12 institution of higher education, association, society, or other body in state
13 government created or authorized to be created by the constitution or any law, that
14 is entitled to expend moneys appropriated by law, including the legislature and the
15 courts, but not including an authority or the body created under subch. III of ch. 149
16 or under ch. 37.

17 **SECTION 62.** 16.42 (1) (intro.) of the statutes is amended to read:

18 16.42 (1) (intro.) All agencies, ~~other than~~ including the University of
19 Wisconsin-Madison but excluding the legislature and the courts, no later than
20 September 15 of each even-numbered year, in the form and content prescribed by the
21 department, shall prepare and forward to the department and to the legislative fiscal
22 bureau the following program and financial information:

1 **SECTION 63.** 16.513 (1) of the statutes is amended to read:

2 16.513 (1) Each agency, including the University of Wisconsin-Madison, which
3 has a program revenue appropriation or appropriation of segregated revenues from
4 program receipts shall, at such times as required by the secretary, make quarterly
5 reports to the department projecting the revenues and expenditures for the ensuing
6 quarterly period under each such appropriation to the agency.

7 **SECTION 64.** 16.513 (3) (a) of the statutes is amended to read:

8 16.513 (3) (a) If there are insufficient moneys, assets, or accounts receivable,
9 as determined under s. 20.903 (2), that are projected by an agency, including the
10 University of Wisconsin-Madison, or projected by the department under s. 16.40 (7)
11 to cover anticipated expenditures under a program revenue appropriation or
12 appropriation of segregated revenues from program receipts, the agency shall
13 propose and submit to the department a plan to assure that there are sufficient
14 moneys, assets, or accounts receivable to meet projected expenditures under the
15 appropriation.

16 **SECTION 65.** 16.528 (1) (a) of the statutes, as affected by 2011 Wisconsin Act 7,
17 is amended to read:

18 16.528 (1) (a) "Agency" means an office, department, independent agency,
19 institution of higher education, association, society, or other body in state
20 government created or authorized to be created by the constitution or any law, that
21 is entitled to expend moneys appropriated by law, including the legislature and the
22 courts, but not including an authority created in subch. II of ch. 114 or subch. III of
23 ch. 149 or in ch. 37, 52, 231, 233, 234, 237, 238, or 279.

****NOTE: The above exempts the UW from the requirements under s. 16.528 for
an agency to pay interest on late payments made by the agency.

1 **SECTION 66.** 16.53 (2) of the statutes, as affected by 2011 Wisconsin Act 7, is
2 amended to read:

3 **16.53 (2) IMPROPER INVOICES.** If an agency receives an improperly completed
4 invoice, the agency shall notify the sender of the invoice within 10 working days after
5 it receives the invoice of the reason it is improperly completed. In this subsection,
6 “agency” means an office, department, independent agency, institution of higher
7 education, association, society, or other body in state government created or
8 authorized to be created by the constitution or any law, that is entitled to expend
9 moneys appropriated by law, including the legislature and the courts, but not
10 including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch.
11 37, 52, 231, 233, 234, 237, 238, or 279.

12 **SECTION 67.** 16.53 (7) of the statutes is amended to read:

13 **16.53 (7) CERTIFICATION OF BOARDS, EVIDENCE OF CORRECTNESS OF ACCOUNT.** The
14 certificate of the proper officers of the ~~board of regents~~ Board of Regents of the
15 University of Wisconsin System, ~~the Board of Trustees of the University of~~
16 Wisconsin-Madison, the department of health services, or the proper officers of any
17 other board or commission organized or established by the state, shall in all cases be
18 evidence of the correctness of any account which may be certified by them.

19 **SECTION 68.** 16.54 (8g) of the statutes is amended to read:

20 **16.54 (8g)** Subsections (1) to (8) do not apply to federal moneys made available
21 to the ~~board of regents~~ Board of Regents of the University of Wisconsin System ~~or the~~
22 Board of Trustees of the University of Wisconsin-Madison for instruction, extension,
23 special projects or emergency employment opportunities.

****NOTE: The above ensures that the UW maintains an exemption under current
law that applies to the UW-System.

1 **SECTION 69.** 16.54 (8r) (a) of the statutes is amended to read:

2 16.54 (8r) (a) Whenever the federal government makes available moneys for
3 instruction, extension, special projects or emergency employment opportunities, the
4 ~~board of regents~~ Board of Regents of the University of Wisconsin System and the
5 Board of Trustees of the University of Wisconsin-Madison may accept the moneys
6 on behalf of the state. The ~~board of regents~~ Board of Regents and the Board of
7 Trustees shall, in the administration of the expenditure of such moneys, comply with
8 the requirements of the act of congress making the moneys available and with the
9 regulations prescribed by the federal government or the federal agency
10 administering the act, insofar as the act or regulations are consistent with state law.
11 The ~~board of regents~~ Board of Regents and the Board of Trustees may submit any
12 plan, budget, application or proposal required by the federal agency as a precondition
13 to receipt of the moneys. The ~~board of regents~~ Board of Regents and the Board of
14 Trustees may, consistent with state law, perform any act required by the act of
15 congress or the federal agency to carry out the purpose of the act of congress. The
16 ~~board of regents~~ Board of Regents shall deposit all moneys received under this
17 paragraph in the appropriation account under s. 20.285 (1) (m).

18 **SECTION 70.** 16.54 (9) (a) 1. of the statutes, as affected by 2011 Wisconsin Act
19 7, is amended to read:

20 16.54 (9) (a) 1. "Agency" means an office, department, independent agency,
21 institution of higher education, association, society or other body in state
22 government created or authorized to be created by the constitution or any law, which
23 is entitled to expend moneys appropriated by law, including the legislature and the
24 courts, but not including an authority created in subch. II of ch. 114 or subch. III of
25 ch. 149 or in ch. 37, 52, 231, 233, 234, 237, 238, or 279.

****NOTE: The above exempts the UW from the requirements under s. 16.54 (9) that apply to "moneys received by an agency from the federal government as reimbursement for indirect costs of administration of a federal grant or contract for which no specific use is mandated by the federal government."

1 **SECTION 71.** 16.61 (13) (a) of the statutes is amended to read:

2 16.61 **(13)** (a) The historical society, as trustee for the state, shall be the
3 ultimate depository of the archives of the state, and the board may transfer to the
4 society such original records and reproductions as it deems proper and worthy of
5 permanent preservation, including records and reproductions which the custodian
6 thereof has been specifically directed by statute to preserve or keep in the custodian's
7 office. The permanent preservation of records of the University of Wisconsin System
8 and of the University of Wisconsin-Madison may be accomplished under par. (b).
9 The society may deposit in the regional depositories established under s. 44.10, title
10 remaining with the society, the records of state agencies or their district or regional
11 offices which are primarily created in the geographic area serviced by the depository,
12 but the records of all central departments, offices, establishments and agencies shall
13 remain in the main archives in the capital city under the society's immediate
14 jurisdiction, except that the society may place the records temporarily at a regional
15 depository for periods of time to be determined by the society. Nothing in this
16 subsection nor in ch. 44 prevents the society's taking the steps for the safety of
17 articles and materials entrusted to its care in library, museum or archives, including
18 temporary removal to safer locations, dictated by emergency conditions arising from
19 a state of war, civil rebellion or other catastrophe.

20 **SECTION 72.** 16.61 (13) (b) of the statutes is amended to read:

21 16.61 **(13)** (b) The board may designate an archival depository at the
22 University of Wisconsin-Madison and at each university as defined in s. 36.05 (13)
23 which shall meet standards for university archival depositories established by the

1 board with the advice of the ~~board of regents~~ Board of Trustees, the Board of Regents,
2 and the historical society or their respective designated representatives. The board
3 may transfer to the appropriate university archival depository all original records
4 and reproductions the board deems worthy of permanent preservation.

5 **SECTION 73.** 16.70 (1e) of the statutes is amended to read:

6 16.70 (1e) "Agency" means an office, department, agency, institution of higher
7 education, association, society or other body in state government created or
8 authorized to be created by the constitution or any law, which is entitled to expend
9 moneys appropriated by law, including the legislature and the courts, ~~but not~~
10 ~~including an.~~ "Agency" includes the University of Wisconsin-Madison but does not
11 include any other authority.

12 **SECTION 74.** 16.705 (1r) (d) of the statutes is amended to read:

13 16.705 (1r) (d) Contractual services purchased by the Board of Regents of the
14 University of Wisconsin System with moneys appropriated under s. 20.285 (1) (j),
15 (ja), (jm), (u), or (w) ~~or (5) (j).~~

16 **SECTION 75.** 16.705 (1r) (e) of the statutes is created to read:

17 16.705 (1r) (e) Contractual services purchased by the Board of Trustees of the
18 University of Wisconsin-Madison with moneys other than moneys appropriated
19 under s. 20.280 (1) (a) to (s).

20 **SECTION 76.** 16.71 (4) of the statutes is created to read:

21 16.71 (4) The department shall delegate to the Board of Trustees of the
22 University of Wisconsin-Madison the authority to enter into contracts for materials,
23 supplies, equipment, or services that relate to higher education and that agencies
24 other than the University of Wisconsin-System or the University of
25 Wisconsin-Madison do not commonly purchase.

SECTION 77. 16.72 (8) of the statutes is amended to read:

16.72 (8) The department may purchase educational technology materials, supplies, equipment, or contractual services from orders placed with the department by school districts, cooperative educational service agencies, technical college districts, ~~and the board of regents~~ Board of Regents of the University of Wisconsin System, ~~and the Board of Trustees of the University of Wisconsin-Madison.~~

SECTION 78. 16.73 (4m) of the statutes is created to read:

16.73 (4m) The Board of Trustees of the University of Wisconsin-Madison may enter into agreements with other higher education institutions under which any of the parties may agree to participate in, administer, sponsor, or conduct purchasing of materials, supplies, equipment, permanent personal property, miscellaneous capital, or contractual services. The University of Wisconsin-Madison may purchase from any vendor selected as a result of such purchasing agreements.

SECTION 79. 16.73 (5) of the statutes is amended to read:

16.73 (5) If the department designates the ~~board of regents~~ Board of Trustees of the University of Wisconsin System ~~Wisconsin-System~~ Wisconsin-Madison as its purchasing agent for any purpose under s. 16.71 (1), the board may enter into a contract to sell any materials, supplies, equipment or contractual services purchased by the board to the University of Wisconsin Hospitals and Clinics Authority, and may contract with the University of Wisconsin Hospitals and Clinics Authority for the joint purchase of any materials, supplies, equipment or contractual services if the sale or purchase is made consistently with that delegation and with this subchapter.

SECTION 80. 16.78 (1) of the statutes, as affected by 2011 Wisconsin Act 7, is amended to read:

1 16.78 (1) Every agency other than the ~~board of regents~~ Board of Regents of the
2 University of Wisconsin System, ~~the Board of Trustees of the University of~~
3 Wisconsin-Madison, or an agency making purchases under s. 16.74 shall make all
4 purchases of materials, supplies, equipment, and contractual services relating to
5 information technology or telecommunications from the department, unless the
6 department requires the agency to purchase the materials, supplies, equipment, or
7 contractual services pursuant to a master contract established under s. 16.972 (2)
8 (h), or grants written authorization to the agency to procure the materials, supplies,
9 equipment, or contractual services under s. 16.75 (1) or (2m), to purchase the
10 materials, supplies, equipment, or contractual services from another agency or to
11 provide the materials, supplies, equipment, or contractual services to itself. The
12 ~~board of regents~~ Board of Regents of the University of Wisconsin System may make
13 purchases of materials, supplies, equipment, and contractual services relating to
14 information technology or telecommunications from the department.

15 **SECTION 81.** 16.847 (1) (b) of the statutes is amended to read:

16 16.847 (1) (b) "State facilities" means all property owned and operated by the
17 state for the purpose of carrying out usual state functions, including the University
18 of Wisconsin-Madison and each institution within the University of Wisconsin
19 System.

****NOTE: Section 16.848, stats., relating to sale of state-owned real property, is not
amended because under the draft the UW's real property will not be state-owned.

20 **SECTION 82.** 16.85 (1) of the statutes is amended to read:

21 16.85 (1) To take charge of and supervise all engineering or architectural
22 services or construction work, as defined in s. 16.87, performed by, or for, the state,
23 or any department, board, institution, commission, or officer of the state, and any

1 such work to be performed for the University of Wisconsin-Madison, including
2 nonprofit-sharing corporations organized for the purpose of assisting the state in the
3 construction and acquisition of new buildings or improvements and additions to
4 existing buildings as contemplated under ss. 13.488, 36.09, and 36.11, 37.03, and
5 37.11, except work to be performed for the University of Wisconsin-Madison with
6 respect to a building, structure, or facility that is funded entirely from sources other
7 than general purpose revenue or general fund supported borrowing; the engineering,
8 architectural, and construction work of the department of transportation; and the
9 engineering service performed by the department of ~~commerce~~ safety and
10 professional services, department of revenue, public service commission,
11 department of health services, and other departments, boards, and commissions
12 when the service is not related to the maintenance, and construction and planning,
13 of the physical properties of the state. The department may not authorize
14 construction work for any state office facility in the city of Madison after May 11,
15 1990, unless the department first provides suitable space for a child care center
16 primarily for use by children of state employees.

****NOTE: This is reconciled s. 16.85 (1). This SECTION is affected by drafts with the following LRB numbers: LRB-1187 and LRB-1465.

17 **SECTION 83.** 16.85 (2) of the statutes, as affected by 2011 Wisconsin Act 7, is
18 amended to read:

19 16.85 (2) To furnish engineering, architectural, project management, and other
20 building construction services whenever requisitions therefor are presented to the
21 department by any agency or the University of Wisconsin-Madison. The department
22 may deposit moneys received from the provision of these services in the account
23 under s. 20.505 (1) (kc) or in the general fund as general purpose revenue — earned.

1 In this subsection, "agency" means an office, department, independent agency,
2 institution of higher education, association, society, or other body in state
3 government created or authorized to be created by the constitution or any law, which
4 is entitled to expend moneys appropriated by law, including the legislature and the
5 courts, but not including an authority created in subch. II of ch. 114 or subch. III of
6 ch. 149 or in ch. 37, 52, 231, 233, 234, 237, 238, or 279.

7 **SECTION 84.** 16.85 (5) of the statutes is amended to read:

8 16.85 (5) To promote the use of energy conservation methods in state-owned
9 facilities and facilities owned by the University of Wisconsin-Madison, to implement
10 and refine a statewide energy monitoring system and to develop and implement
11 initiatives of replacing fossil fuels with renewable energy fuels.

12 **SECTION 85.** 16.85 (7) of the statutes is amended to read:

13 16.85 (7) To rebuild and repair discarded machinery of the several state
14 institutions and the University of Wisconsin-Madison when found feasible, and put
15 the same back into service in the same department or at the university or in any other
16 state department or the university, and upon requisition to furnish services and
17 material and loan equipment at fair rentals based on the cost thereof, in connection
18 with the construction, operation and maintenance of heating and power plants,
19 utilities and equipment.

20 **SECTION 86.** 16.85 (10) of the statutes is amended to read:

21 16.85 (10) To prepare in cooperation with the state agencies concerned and
22 with the University of Wisconsin-Madison, plans for the future growth and
23 development of various state institutions and to serve as technical adviser to the
24 building commission in connection with the development of the state long-range
25 building program provided in ss. 13.48 and 13.482.

1 **SECTION 87.** 16.85 (12) of the statutes is amended to read:

2 16.85 (12) To review and approve plans and specifications for any building or
3 structure that is constructed for the benefit of the University of Wisconsin System
4 or any institution thereof, and to periodically review the progress of any such
5 building or structure during construction to assure compliance with the approved
6 plans and specifications. This subsection does not apply to any building, structure,
7 or facility that is constructed, remodeled, repaired, renewed, or expanded for the
8 University of Wisconsin-Madison if the project is funded entirely from sources other
9 than general purpose revenue or general fund supported borrowing.

10 **SECTION 88.** 16.851 of the statutes is amended to read:

11 **16.851 Plans for state and university buildings, structures or facilities.**

12 Except as the department otherwise provides by rule, records of the department and
13 the University of Wisconsin-Madison containing plans or specifications for any
14 state-owned or state-leased or any university-owned or university-leased building,
15 structure or facility, or any proposed state-owned or state-leased or
16 university-owned or university-leased building, structure or facility, are not subject
17 to the right of public inspection or copying under s. 19.35 (1). If the department or
18 the University of Wisconsin-Madison transfers any records containing any such
19 plans or specifications to any other authority as defined in s. 19.32 (1), the
20 department or university shall require the authority to agree in writing not to make
21 the record available for public inspection or copying except as the department
22 otherwise permits by rule.

23 **SECTION 89.** 16.8511 of the statutes is amended to read:

24 **16.8511 Secretary of administration; powers, duties.** (1) The secretary
25 or the secretary's designated assistants shall make a biennial inspection of each

1 building of each institution of the state and the University of Wisconsin-Madison.
2 The secretary may delegate this responsibility to the board, commission or officer in
3 charge of such institution.

4 (2) The secretary may delegate any of the work under this subchapter to the
5 various state agencies or to the University of Wisconsin-Madison when the secretary
6 determines that the best interests of the state or the university will be served. All
7 such delegation will be in writing and accompanied by the proper rules and
8 guidelines the agencies or the university must follow to ensure performance to the
9 satisfaction of the secretary.

10 **SECTION 90.** 16.855 (2) (intro.) of the statutes is amended to read:

11 16.855 (2) (intro.) Except for projects authorized under s. 16.858, whenever the
12 estimated construction cost of a project exceeds \$40,000, or if less and in the best
13 interest of the state or the University of Wisconsin-Madison, the department shall:

14 **SECTION 91.** 16.855 (2) (b) 2. of the statutes is amended to read:

15 16.855 (2) (b) 2. If the federal government participates in a state or University
16 of Wisconsin-Madison project, the bid guarantee required in this paragraph
17 controls, unless the federal government makes a specific provision for a different bid
18 guarantee.

19 **SECTION 92.** 16.855 (5) of the statutes is amended to read:

20 16.855 (5) Any or all bids may be rejected if, in the opinion of the department,
21 it is in the best interest of the state or the University of Wisconsin-Madison. The
22 reasons for rejection shall be given to the bidder or bidders in writing.

23 **SECTION 93.** 16.855 (7) of the statutes is amended to read:

1 16.855 (7) The department may issue contract change orders, if they are
2 deemed to be in the best interests of the state or the University of
3 Wisconsin-Madison.

4 **SECTION 94.** 16.855 (10) of the statutes is amended to read:

5 16.855 (10) When the department believes that it is in the best interests of the
6 state or the University of Wisconsin-Madison to contract for certain articles or
7 materials available from only one source, it may contract for said articles or
8 materials without the usual statutory procedure, after a publication of a class 1
9 notice, under ch. 985, in the official state newspaper.

10 **SECTION 95.** 16.855 (13) (c) of the statutes is amended to read:

11 16.855 (13) (c) Changes may be made in the list of subcontractors, with the
12 agreement of the department and the prime contractor, when in the opinion of the
13 department it is in the best interests of the state or the University of
14 Wisconsin-Madison to require the change.

15 **SECTION 96.** 16.855 (14) (b) of the statutes is amended to read:

16 16.855 (14) (b) The state is and the University of Wisconsin-Madison are not
17 liable to a prime contractor for damage from delay caused by another prime
18 contractor if the department or the university takes reasonable action to require the
19 delaying prime contractor to comply with its contract. If the state or the university
20 is not liable under this paragraph, the delayed prime contractor may bring an action
21 for damages against the delaying prime contractor.

22 **SECTION 97.** 16.855 (16) (a) of the statutes is amended to read:

23 16.855 (16) (a) This section does not apply to contracts between the state or the
24 University of Wisconsin-Madison and federal government or any agency thereof, or
25 with any political subdivision of the state. Subject to the approval of the governor,

1 the requirements of this section may be waived in emergency situations involving the
2 public health, welfare or safety or with respect to contracting with public utilities,
3 but only when any such waiver is deemed by the governor to be in the best interests
4 of the state or the university.

5 **SECTION 98.** 16.855 (16) (b) 2. of the statutes is amended to read:

6 16.855 (16) (b) 2. In emergency situations, the governor may approve repairs
7 and construction of a building, structure, or facility in lieu of building commission
8 approval under s. 13.48 (10), and for such purposes, may authorize the expenditure
9 of up to \$500,000 from the state building trust fund or from other available moneys
10 appropriated to an agency or other available moneys of the University of
11 Wisconsin-Madison derived from any revenue source. The governor may delegate
12 to the secretary the authority to grant approvals under this subdivision. The
13 governor shall report any such authorization to the building commission at its next
14 regular meeting following the authorization. In this subdivision, "emergency"
15 means any natural or human-caused situation that results in or may result in
16 substantial injury or harm to the population or substantial damage to or loss of
17 property.

18 **SECTION 99.** 16.855 (20) of the statutes is amended to read:

19 16.855 (20) This section does not apply to construction work performed by
20 University of Wisconsin System or University of Wisconsin-Madison students when
21 the construction work performed is a part of a curriculum and where the work is
22 course-related for the student involved. Prior approval of the building commission
23 must be obtained for all construction projects to be performed by University of
24 Wisconsin System or University of Wisconsin-Madison students, except projects
25 specified in s. 13.48 (10 (c)).

1 **SECTION 100.** 16.855 (22) of the statutes is amended to read:

2 16.855 (22) The provisions of this section, except sub. (10m), do not apply to
3 construction work for any project that does not require the prior approval of the
4 building commission under s. 13.48 (10) (a) if the project is constructed in accordance
5 with policies and procedures prescribed by the building commission under s. 13.48
6 (29). The provisions of this section do not apply to construction work for any project
7 by or for the University of Wisconsin-Madison that is funded entirely from sources
8 other than general purpose revenue or general fund supported borrowing. If the
9 estimated construction cost of any project, other than a University of
10 Wisconsin-Madison project that is exempted under this subsection, is at least
11 \$40,000, and the building commission elects to utilize the procedures prescribed
12 under s. 13.48 (29) to construct the project, the department shall provide adequate
13 public notice of the project and the procedures to be utilized to construct the project
14 on a publicly accessible computer site.

15 **SECTION 101.** 16.865 (1) (a) of the statutes is amended to read:

16 16.865 (1) (a) ~~Protect~~ Except as provided in sub. (10), protect the state and the
17 University of Wisconsin-Madison from losses which are catastrophic in nature and
18 minimize total cost to the state of all activities related to the control of accidental loss.

19 **SECTION 102.** 16.865 (2) of the statutes is amended to read:

20 16.865 (2) ~~Identify~~ Except as provided in sub. (10), identify and evaluate
21 exposure to loss to the state, ~~its~~ and University of Wisconsin-Madison and their
22 employees or injury to the public by reason of fire or other accidents and fortuitous
23 events at state-owned and the university-owned properties or facilities.

24 **SECTION 103.** 16.865 (3) of the statutes is amended to read:

1 16.865 (3) ~~Recommend~~ Except as provided in sub. (10), recommend changes in
2 procedures, program conditions or capital improvement for all agencies and the
3 University of Wisconsin-Madison which would satisfactorily eliminate or reduce the
4 existing exposure.

5 **SECTION 104.** 16.865 (4) of the statutes is amended to read:

6 16.865 (4) ~~Manage the state employees'~~ Except as provided in sub. (10),
7 manage the worker's compensation program for state and University of
8 Wisconsin-Madison employees and the statewide self-funded programs to protect
9 the state and the University of Wisconsin-Madison from losses of and damage to
10 state property and liability.

11 **SECTION 105.** 16.865 (5) of the statutes is amended to read:

12 16.865 (5) ~~Arrange~~ Except as provided in sub. (10), arrange appropriate
13 insurance contracts for the transfer of risk of loss on the part of the state and the
14 University of Wisconsin-Madison or its their employees, to the extent such loss
15 cannot reasonably be assumed by the individual agencies or the university or the
16 self-funded programs. The placement of insurance may be by private negotiation
17 rather than competitive bid, if such insurance has a restricted number of interested
18 carriers. The department shall approve all insurance purchases.

19 **SECTION 106.** 16.865 (8) of the statutes, as affected by 2011 Wisconsin Act 7,
20 is amended to read:

21 16.865 (8) ~~Annually~~ Except as provided in sub. (10), annually in each fiscal
22 year, allocate as a charge to each agency and to the University of Wisconsin-Madison
23 a proportionate share of the estimated costs attributable to programs administered
24 by the agency or the university to be paid from the appropriation under s. 20.505 (2)
25 (k). The department may charge premiums to agencies and to the University of

1 Wisconsin-Madison to finance costs under this subsection and pay the costs from the
2 appropriation on an actual basis. The department shall deposit all collections under
3 this subsection in the appropriation account under s. 20.505 (2) (k). Costs assessed
4 under this subsection may include judgments, investigative and adjustment fees,
5 data processing and staff support costs, program administration costs, litigation
6 costs, and the cost of insurance contracts under sub. (5). In this subsection, "agency"
7 means an office, department, independent agency, institution of higher education,
8 association, society, or other body in state government created or authorized to be
9 created by the constitution or any law, that is entitled to expend moneys
10 appropriated by law, including the legislature and the courts, but not including an
11 authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. 37, 52, 231,
12 232, 233, 234, 235, 237, 238, or 279.

13 **SECTION 107.** 16.865 (10) of the statutes is created to read:

14 16.865 (10) This section does not apply to the University of Wisconsin-Madison
15 for any fiscal year if the University of Wisconsin-Madison, no later than December
16 31 preceding the beginning of that fiscal year, provides written notice to the
17 department that it has elected not to be governed by this section. Any notice of
18 nonelection applies to all subsequent fiscal years unless the University of
19 Wisconsin-Madison, no later than December 31 preceding the beginning of a fiscal
20 year, provides written notice to the department that it has elected to be governed by
21 this section. Any notice of election applies to all subsequent fiscal years unless the
22 University of Wisconsin-Madison again provides timely notice of nonelection.

23 **SECTION 108.** 16.87 (2) (a) of the statutes is amended to read:

24 16.87 (2) (a) A contract for engineering services or architectural services or a
25 contract involving an expenditure of \$10,000 or more for construction work, or

1 \$30,000 or more for limited trades work, to be done for or furnished to the state or
2 a department, board, commission, or officer of the state or the University of
3 Wisconsin-Madison is exempt from the requirements of ss. 16.705 and 16.75.

4 **SECTION 109.** 16.87 (5) of the statutes is created to read:

5 16.87 (5) This subsection does not apply to any project for the University of
6 Wisconsin-Madison that is funded entirely from sources other than general purpose
7 revenue or general fund supported borrowing.

8 **SECTION 110.** 16.875 of the statutes is amended to read:

9 **16.875 Setoffs.** All amounts owed by this state or the University of
10 Wisconsin-Madison under this subchapter are subject to being set off under s. 73.12.

11 **SECTION 111.** 16.89 of the statutes is amended to read:

12 **16.89 Construction and services controlled by this chapter.** No
13 department, independent agency, constitutional office or agent of the state shall
14 employ engineering, architectural or allied services or expend money for
15 construction purposes on behalf of the state, except as provided in this chapter. The
16 University of Wisconsin-Madison shall not employ engineering, architectural, or
17 allied services or expend money for construction purposes on behalf of the university,
18 except as provided in this chapter and except that the university may engage such
19 employment for any project that is financed entirely from sources other than general
20 purpose revenue or general fund supported borrowing.

21 **SECTION 112.** 16.891 (1) (b) of the statutes is amended to read:

22 16.891 (1) (b) "Total cost of occupancy" means the cost to operate and maintain
23 the physical plant of a building, structure, or facility, including administrative costs
24 of an agency or the University of Wisconsin-Madison attributable to operation and
25 maintenance of a building, structure, or facility, together with any debt service costs

1 associated with the building, structure, or facility, computed in the manner
2 prescribed by the department.

3 **SECTION 113.** 16.891 (2) of the statutes is amended to read:

4 16.891 (2) Except as provided in sub. (4), each agency and the University of
5 Wisconsin-Madison shall report to the department no later than October 1 of each
6 year concerning the total cost of occupancy of each state-owned or university-owned
7 building, structure, and facility, excluding public highways and bridges, under the
8 jurisdiction of the agency or university for the preceding fiscal year. The report shall
9 be made in a format prescribed by the department. Beginning in 2009, if a building,
10 structure, or facility is a part of an institution, the agency having jurisdiction of the
11 institution or the University of Wisconsin-Madison shall also include in its report
12 the total cost of occupancy of all of the buildings, structures, and facilities within the
13 institution.

14 **SECTION 114.** 16.891 (4) of the statutes is amended to read:

15 16.891 (4) The department may exempt an agency or the University of
16 Wisconsin-Madison from compliance with the reporting requirement under sub. (2)
17 with respect to any building, structure, or facility that the department determines
18 to have a minimal total cost of occupancy.

19 **SECTION 115.** 16.895 (title) of the statutes is amended to read:

20 **16.895 (title)** ~~State-owned~~ State- or university-owned **or operated**
21 **heating, cooling or power plants.**

22 **SECTION 116.** 16.895 (2) (a) of the statutes is amended to read:

23 16.895 (2) (a) Prepare all specifications, bid and administer contracts for the
24 purchase of fuels for all ~~state-owned or operated~~ heating, cooling or power plants
25 that are owned or operated by the state or the University of Wisconsin-Madison.

1 **SECTION 117.** 16.895 (2) (c) of the statutes is amended to read:

2 16.895 (2) (c) Determine the method of operation of ~~state-owned~~ state- or
3 university-owned or operated heating, cooling or power plants, including
4 maintenance standards and policies concerning utilization of alternative fuels and
5 energy conservation.

6 **SECTION 118.** 16.895 (2) (d) of the statutes is amended to read:

7 16.895 (2) (d) Assure compliance with federal and state laws, federal
8 regulations and state administrative rules applicable to ~~state-owned~~ state- or
9 university-owned or operated heating, cooling or power plants.

10 **SECTION 119.** 16.895 (2) (e) of the statutes is amended to read:

11 16.895 (2) (e) Delegate to any agency or to the University of
12 Wisconsin-Madison the department's authority under par. (c) or (d) and approve all
13 expenditures of the agency or university under par. (c) or (d).

14 **SECTION 120.** 16.895 (2) (g) of the statutes is amended to read:

15 16.895 (2) (g) Provide for emissions testing, waste product disposal and fuel
16 quality testing at ~~state-owned~~ state- or university-owned or operated heating,
17 cooling or power plants, and secure permits that are required for operation of the
18 plants.

19 **SECTION 121.** 16.895 (2) (h) of the statutes is amended to read:

20 16.895 (2) (h) Periodically assess to agencies and the University of
21 Wisconsin-Madison their proportionate cost of the expenses incurred by the
22 department under this subsection and ss. 16.85 (4), 16.90, 16.91 and 16.92 in
23 accordance with a method of apportionment determined by the department.

24 **SECTION 122.** 16.897 of the statutes is amended to read:

1 **16.897 Space and water heating systems.** In planning and designing space
2 or water heating systems for new or existing state facilities and facilities of the
3 University of Wisconsin-Madison, the department shall ensure that geothermal
4 technologies are utilized to the greatest extent that is cost-effective and technically
5 feasible.

6 **SECTION 123.** 16.90 (title) of the statutes is amended to read:

7 **16.90 (title) Fuel for state and university heating, cooling or power**
8 **plants.**

9 **SECTION 124.** 16.90 (2) (a) of the statutes is amended to read:

10 16.90 (2) (a) Prepare all specifications for contracts for the purchase of fuel for
11 each ~~state-owned or operated~~ heating, cooling or power plant that is owned or
12 operated by the state or the University of Wisconsin-Madison. All such
13 specifications where feasible shall provide for purchase of such fuel on a heating
14 value and quality basis and may provide for an adjustment of the base price of any
15 fuel as a result of changes in production or transportation costs during the term of
16 a contract.

17 **SECTION 125.** 16.90 (2) (b) of the statutes is amended to read:

18 16.90 (2) (b) Distribute fuel purchased by the department ~~or, any other~~ agency,
19 or the University of Wisconsin-Madison to agencies ~~that require it or to the~~
20 University of Wisconsin-Madison as required, and reallocate such fuel between
21 agencies or the University of Wisconsin-Madison in the event of a shortage.

22 **SECTION 126.** 16.90 (2) (c) of the statutes is amended to read:

23 16.90 (2) (c) Set standards for storage of fuel by agencies and the University
24 of Wisconsin-Madison.

25 **SECTION 127.** 16.90 (2) (d) of the statutes is amended to read:

1 16.90 (2) (d) Test all fuel purchased for each ~~state-owned~~ state- or
2 university-owned or operated heating, cooling or power plant wherein the annual
3 requirement is in excess of 12,500 therms and where purchased on a heating value
4 and quality basis.

5 **SECTION 128.** 16.90 (2) (e) of the statutes is amended to read:

6 16.90 (2) (e) Promulgate such rules as the secretary considers necessary, not
7 inconsistent with this section, to promote efficiency, energy conservation and
8 economy in the testing, handling and use of fuel for ~~state-owned~~ state- or
9 university-owned or operated heating, cooling or power plants.

10 **SECTION 129.** 16.91 (2) of the statutes is amended to read:

11 16.91 (2) No contract for the purchase of fuel for any ~~state-owned~~ state- or
12 university-owned or operated heating or heating and power plant wherein the
13 annual requirement is in excess of 12,500 therms is binding unless purchased upon
14 specifications furnished by the secretary. A contract for fuel may be for any term
15 deemed to be in the best interests of the state or the University of
16 Wisconsin-Madison, but the term and any provisions for renewal or extension shall
17 be incorporated in the bid specifications and the contract document.

18 **SECTION 130.** 16.91 (3) of the statutes is amended to read:

19 16.91 (3) Payments for fuel delivered under contracts specified in sub. (2) and
20 for delivery costs shall be made upon vouchers approved by the secretary. Upon being
21 audited and paid, the department shall charge each purchase against the
22 appropriation to the agency which has jurisdiction over the facility at which the fuel
23 is used or to the University of Wisconsin-Madison, if the university has such
24 jurisdiction. The secretary shall report on a quarterly basis to each such agency and
25 to the University of Wisconsin-Madison the total amount of payments charged under

1 this subsection to each of its appropriations and facilities. Approval of the payments
2 by the any agency whose appropriation is charged is not required.

3 **SECTION 131.** 16.92 (2) of the statutes is amended to read:

4 16.92 (2) Each agency and the University of Wisconsin-Madison shall utilize
5 the most cost-effective means of procurement of fuel, electricity, heat and chilled
6 water.

7 **SECTION 132.** 16.93 (2) of the statutes is amended to read:

8 16.93 (2) Except as provided in sub. (3), any agency or the University of
9 Wisconsin-Madison, with the approval of the department, may sell fuel, water,
10 sewage treatment service, electricity, heat or chilled water to another agency, a
11 federal agency, a local government or a private entity.

12 **SECTION 133.** 16.993 (1) of the statutes is amended to read:

13 16.993 (1) In cooperation with school districts, cooperative educational service
14 agencies, the technical college system board, the Board of Trustees of the University
15 of Wisconsin-Madison, and the ~~board of regents~~ Board of Regents of the University
16 of Wisconsin System, promote the efficient, cost-effective procurement, installation,
17 and maintenance of educational technology by school districts, cooperative
18 educational service agencies, technical college districts, the University of
19 Wisconsin-Madison, and the University of Wisconsin System.

20 **SECTION 134.** 16.993 (4) of the statutes is amended to read:

21 16.993 (4) In cooperation with the Board of Trustees of the University of
22 Wisconsin-Madison, the ~~board of regents~~ Board of Regents of the University of
23 Wisconsin System, the technical college system board, the department of public
24 instruction and other entities, support the development of courses for the instruction

1 of professional employees who are licensed by the state superintendent of public
2 instruction concerning the effective use of educational technology.

3 **SECTION 135.** 16.993 (7) of the statutes is amended to read:

4 16.993 (7) Purchase educational technology materials, supplies, equipment,
5 and contractual services for school districts, cooperative educational service
6 agencies, technical college districts, the Board of Trustees of the University of
7 Wisconsin-Madison, and the ~~board of regents~~ Board of Regents of the University of
8 Wisconsin System under s. 16.72 (8), and establish standards and specifications for
9 purchases of educational technology hardware and software by school districts,
10 cooperative educational service agencies, technical college districts, and the ~~board~~
11 ~~of regents~~ Board of Regents of the University of Wisconsin System.

12 **SECTION 136.** 19.32 (1) (w) of the statutes is created to read:

13 19.32 (1) (w) "Public institution of higher education" means the University of
14 Wisconsin-Madison, an institution within the University of Wisconsin System, or a
15 technical college.

16 **SECTION 137.** 19.36 (14) of the statutes is created to read:

17 19.36 (14) Any authority may withhold from access under s. 19.35 (1)
18 information in a record that is produced or collected by or for the faculty or staff of
19 a public institution of higher education in the conduct of, or as a result of, study or
20 research on a commercial, scientific, or technical subject, whether sponsored by the
21 institution alone or in conjunction with an authority or a private person, until that
22 information is publicly disseminated or patented.

23 **SECTION 138.** 19.42 (13) (bm) of the statutes is created to read:

24 19.42 (13) (bm) The positions of chancellor and vice chancellor of the University
25 of Wisconsin-Madison.

1 **SECTION 139.** 19.45 (11) (e) of the statutes is created to read:

2 19.45 (11) (e) The board of trustees of the University of Wisconsin-Madison
3 shall establish a code of ethics for its employees who are not state public officials.

4 **SECTION 140.** 19.84 (5m) of the statutes is created to read:

5 19.84 (5m) Departments and their subunits in the University of
6 Wisconsin-Madison are exempt from the requirements of subs. (1) to (4) but shall
7 provide meeting notice that is reasonably likely to apprise interested persons and
8 news media who have filed written requests for such notice.

9 **SECTION 141.** 20.002 (11) (b) 3. of the statutes is amended to read:

10 20.002 (11) (b) 3. In addition to the amount permitted for temporary
11 reallocations in subd. 2., the secretary may permit an additional ~~3%~~ 6 percent of the
12 total amounts shown in the schedule under s. 20.005 (3) of appropriations of general
13 purpose revenues, calculated by the secretary as of that time and for that fiscal year,
14 to be used for temporary reallocations to the general fund but only if the reallocation
15 is for a period not to exceed 30 days. Reallocations may not be made under this
16 subdivision for consecutive periods.

17 **SECTION 142.** 20.235 (1) (fz) of the statutes is amended to read:

18 20.235 (1) (fz) *Remission of fees and reimbursement for veterans and*
19 *dependents.* Biennially, the amounts in the schedule to reimburse the Board of
20 Regents of the University of Wisconsin System, the Board of Trustees of the
21 University of Wisconsin-Madison, and technical college district boards under s.
22 39.50 for fee remissions made under ss. 36.27 (3n) (b) or (3p) (b), 37.27 (3n) (b) or (3p)
23 (b), and 38.24 (7) (b) or (8) (b) and to reimburse veterans and dependents as provided
24 in ss. 36.27 (3n) (bm) or (3p) (bm), 37.27 (3n) (bm) or (3p) (bm), and 38.24 (7) (bm) or
25 (8) (bm).

1 **SECTION 143.** 20.255 (2) (cn) of the statutes is amended to read:

2 20.255 (2) (cn) *Aids for school lunches and nutritional improvement.* The
3 amounts in the schedule for the payment of school lunch aids under s. 115.34 (2) and
4 for nutritional improvement under ss. 36.51, 37.51, 38.36 and 115.345.

5 **SECTION 144.** 20.280 of the statutes is created to read:

6 **20.280 University of Wisconsin-Madison.** There is appropriated to the
7 University of Wisconsin-Madison for the following program:

8 (1) UNIVERSITY OF WISCONSIN-MADISON. (a) *General program operations.* The
9 amounts in the schedule for general program operations.

10 (c) *Energy costs; energy-related assessments.* The amounts in the schedule to
11 pay for utilities and for fuel, heat, and air conditioning, to pay assessments levied by
12 the department of administration under s. 16.847 (3) for costs incurred and savings
13 generated at university facilities, and to pay costs incurred under ss. 16.858 and
14 16.895, including all operating costs recommended by the department of
15 administration that result from the installation of pollution abatement equipment
16 in state-owned or operated heating, cooling, or power plants, by or on behalf of the
17 board of trustees, and including the cost of purchasing electricity, steam, and chilled
18 water generated by the cogeneration facility constructed pursuant to an agreement
19 under 2001 Wisconsin Act 109, section 9156 (2z) (g).

20 (d) *Principal repayment and interest.* A sum sufficient to reimburse s. 20.866
21 (1) (u) for the payment of principal and interest costs incurred in financing the
22 acquisition, construction, development, enlargement or improvement of university
23 academic facilities and to make payments under an agreement or ancillary
24 arrangement entered into under s. 18.06 (8) (a).

1 (k) *Funds transferred from other state agencies.* All moneys received from other
2 state agencies to carry out the purposes for which received.

3 (kd) *Principal repayment, interest, and rebates.* From the revenues credited
4 under par. (g), a sum sufficient to reimburse s. 20.866 (1) (u) for the payment of
5 principal and interest costs incurred in financing the acquisition, construction,
6 development, enlargement, or improvement of self-amortizing university facilities,
7 to make the payments determined by the building commission under s. 13.488 (1) (m)
8 that are attributable to the proceeds of obligations incurred in financing such
9 facilities, and to make payments under an agreement or ancillary arrangement
10 entered into under s. 18.06 (8) (a). For projects authorized by the building
11 commission before July 1, 1998, annually an amount equal to 20% of the principal
12 and interest costs for maintenance of university intercollegiate athletic facilities
13 shall be paid from the appropriation under this paragraph. For projects authorized
14 by the building commission on or after July 1, 1998, but before July 1, 2001, annually
15 an amount equal to 30% of the principal and interest costs for maintenance of
16 university intercollegiate athletic facilities shall be paid from the appropriation
17 under this paragraph. For projects authorized by the building commission on or after
18 July 1, 2001, annually an amount equal to 40% of the principal and interest costs for
19 maintenance of university intercollegiate athletic facilities shall be paid from the
20 appropriation under this paragraph.

21 (ks) *Physician and health care provider loan assistance programs; repayments.*
22 Biennially, the amounts in the schedule for loan repayments under ss. 37.60 and
23 37.61. All moneys transferred from the appropriation account under s. 20.505 (8)
24 (hm) 6m. shall be credited to this appropriation account. Notwithstanding s. 20.001